

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Jamie Poweleit,

Plaintiff(s),

v.

Louis DeJoy, Postmaster General,

Defendant(s).

Case No. 1:22-cv-194
District Judge **Douglas R. Cole**
Magistrate Judge Litkovitz

RULE 26(f) REPORT OF PARTIES
(to be filed not later than seven
days prior to the preliminary
pretrial conference)

1. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on Sept. 1, 2023,

and was attended by:

David N. Truman, counsel for plaintiff(s) Jamie Poweleit,

_____, counsel for plaintiff(s) _____,

_____, counsel for plaintiff(s) _____,

Margaret A. Castro, counsel for defendant(s) Louis DeJoy, Postmaster General,

_____, counsel for defendant(s) _____,

_____, counsel for defendant(s) _____,

_____, counsel for defendant(s) _____,

2. The parties:

_____ have provided the pre-discovery disclosures required by Fed. R. Civ. P. 26(a)(1), including a medical package (if applicable).

☒ will exchange such disclosures by September 19, 2023.

_____ are exempt from disclosure under Fed. R. Civ. P. 26(a)(1)(E).

3. The parties:

_____ unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).

☒ do not unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).

_____ unanimously give contingent consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c), for trial purposes only, in the event that the assigned District Judge is unavailable on the date set for trial (e.g., because of other trial settings, civil or criminal).

4. Recommended cut-off date for filing of motions directed to the pleadings:

September 12, 2023

5. Recommended cut-off date for filing any motion to amend the pleadings and/or to add additional parties:

September 19, 2023

6. Recommended discovery plan:

- a. Describe the subjects on which discovery is to be sought and the nature, extent and scope of discovery that each party needs to: (i) make a settlement evaluation, (ii) prepare for case dispositive motions, and (iii) prepare for trial:

The parties will conduct discovery as permitted under Rule 26

including written discovery and depositions for MSJ and trial purposes.

- b. What changes should be made, if any, in the limitations on discovery imposed under the Federal Rules of Civil Procedure or the local rules of this Court, including the limitations to 25 interrogatories/requests for admissions and the limitations of 10 depositions, each lasting no more than one day consisting of seven (7) hours?

None.

- c. Additional recommended limitations on discovery:

None.

- d. Recommended date for the disclosure of lay witnesses:

December 12, 2023.

- e. Describe the areas in which expert testimony is expected and indicate whether each expert had been or will be specifically retained within the meaning of Fed. R. Civ. P. 26(a)(2).

Testimony from experts specifically retained within the meaning of
Fed. R. Civ. P. 26(a)(2) may be introduced on the
issue of damages.

f. Recommended date for disclosure and report of Plaintiff(s) expert(s):
December 31, 2023

g. Recommended date for disclosure and report of Defendant(s) expert(s):
February 28, 2024

h. Recommended date for disclosure and report of rebuttal expert(s):
March 28, 2024

i. Discovery of Electronically Stored Information: The parties have discussed disclosure, discovery, and preservation of electronically stored information, including the form or forms in which it should be produced.

✓ Yes

 No

i. The parties have electronically stored information in the following formats:

USPS proprietary formats, .PDF, .msg

ii. The case presents the following issues relating to disclosure, discovery or preservation of electronically stored information, including the form or forms in which it should be produced:

The parties will produce discovery in searchable PDF format and in native format

where requested.

- j. Claims of Privilege or Protection. The parties have discussed issues regarding the protection of information by privilege or the work-product doctrine, including whether the parties agree to a procedure to assert these claims after production or have any other agreements under Fed. R. Evid. 502.

✓ Yes

 No

- i. The case presents the following issues relating to claims of privilege or of protection as trial preparation materials:

The parties agree to join in a motion for a stipulated protective order if necessary during discovery.

- ii. Have the parties agreed on a procedure to assert such claims **AFTER** production?

 No

✓ Yes

 Yes, and the parties ask that the Court include their agreement in an order.

7. Recommended discovery cut-off date: April 29, 2024

8. Recommended dispositive motion date: May 29, 2024

9. Recommended date for status conference (if any): December 12, 2023

10. Suggestions as to type and timing of efforts at Alternative Dispute Resolution:
Mediation after ruling on motions for summary judgment.

11. Recommended date for a final pretrial conference: July 2024

12. Has a settlement demand been made? yes

A response? yes

Date by which a settlement demand can be made: _____

Date by which a response can be made: _____

13. Other matters pertinent to the scheduling or management of this litigation:

Signatures:

Attorney(s) for Plaintiff(s):

David N. Truman
Ohio Bar # 0082347
Trial Attorney for Plaintiff

Stuart G. Torch
Ohio Bar # 0079667
Trial Attorney for Plaintiff

Ohio Bar # _____
Trial Attorney for _____

Ohio Bar # _____
Trial Attorney for _____

Ohio Bar # _____
Trial Attorney for _____

Attorney(s) for Defendants(s):

Margaret A. Castro
Ohio Bar # 0078968
Trial Attorney for Defendant

Ohio Bar # _____
Trial Attorney for _____

Ohio Bar # _____
Trial Attorney for _____

Ohio Bar # _____
Trial Attorney for _____

Ohio Bar # _____
Trial Attorney for _____